Due No 473

Serial Nos

5-6

Memo 159-52-1-2

[illegible] MALONE SECRETARIAT

[illegible]

Date Nos

Part B for [illegible] 20

[illegible]

SUBJECT

[illegible]

[illegible]

[illegible]

G. R. S. 11] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No. 473/1918

FILE HEADING.

Restoration of inam S. no. 273 of Hadinaru village in the Nanjangud Taluk to Gachi mutt at Mysore

From

The Private Secretary to H. H. the Maharaja.

No. 926/5222 Dated 17-6-1919 Received

Diary No.	Enclos.	Spare Copies.	Serial No.
2286			

BRIEF ABSTRACT OF LETTER.

Forwards for submission of papers on the enclosed memorial from Basappa Devaru of Gachi mutt at Mysore praying that on account of the order of Government in G. O. No. 273 of Hadinaru village may be granted for the maintenance of the mutt.

NOTES AND ORDERS.

Muz. D. nos. 261-1914 and 473-1918 are herewith submitted.

Sirdar Putta Basava Raj urs of Mysore, and the owners of plots of

NOTES—First Sheet.

GPB—20,000 8 5 14

G. R. S. III-2]

General and Revenue Secretariat.

mus File No. 473 of 1918.

Serial No.

E

in S. no. 273 of Hadiana Village appealed to Govt against the order of the Dy. Commr, Mysore Dist., directing the restoration of the said land to the Gachi mall at Mysore. 3) After a protracted enquiry and an examination of the several exhibits, the local authorities having submitted a report to Govt, the appellants and their opponent, (the present memorialists) were heard in person and through their Advocates by the present IInd member of Council and orders were issued in O. m no 1417 Jud mus 261-R 8th January 1919 holding that the apltts are Kadim tenants by virtue of their uninterrupted enjoyment for nearly 40 years and that the respt as such is only entitled to the revenue derivable from the lands and has no power to eject the apltts at will.

4) The present memorialist put in a Review petition for a reconsideration of the foregoing order, and the Ist member of Council after hearing the Agent of the Mall and his Advocate held that there were no good grounds for reviewing the order already passed

NOTE—Contn. sheet.

General and Revenue Secretariat.

Huzs File No. 673 of 1918.

Serial No.

and the petition was accordingly dismissed.

He has since memorialized H. H. the Maharaja on the same subject. The papers connected with the case are submitted.- The memorial has been received here for submission Papers in the case

BV 1-7-1919

BL 2-7-19

(Submd. for orders

BL 7/19

Secretary's Dept

Sd

7/19

Papers

Clean Dept q.D. S. N is subd

BL 7-7-19

Subd Dewan's Dept

Hon Member

168 9-7-19

10 15-7-19

8/7/19

DEWAN'S OFFICE.
Recd. on JUL 16 1919
Reg. No. 421: .....

NOTE—Contn. sheet.

Submitted to His Highness.

Put up under

5.8.19

As called for in Private Secretary's Memo No. 5282/926 dated the 17th June 1919, I submit herewith, for the gracious perusal of His Highness, the file of papers connected with the memorial of Basappa Devaru, Agent of Sri Mutt in Mysore.

The memorial seeks to review the orders of Government Nos.1717/Miz.261-14 and 3441/Miz.473-18 dated 8th January 1919 and 7th May 1919, respectively, the latter of which was itself passed on an application for review. The facts of the case are given in sufficient detail in those orders.

22nd July 1919

Record of Cases submitted for the Orders of His Highness the Maharaja

No 133
22-7-19

Subject.

Papers relating to the memorial of Basappa Devaru, Agent of Gachi Matt in Mysore.

Order.

Do no 58
Sn. File

HUZUR SECRETARY MYSORE

The Palace, Bangalore,
20th August 1920.

Mucrosan Secy
21.8.

My dear Sir,

I am directed to return File No. 153 dated 22nd July 1919, and to say that His Highness does not want to interfere in this matter.

21/8/20

AV
21/8/20

Yours Sincerely
Mirza M. Ismail

A. R. Banerji, Esq., C.I.E., I.C.S.,
Bangalore.

General and Revenue Secretariat.

Serial No.

1387-388
31-8-20.

6. To, Basappa Devaru of Gachchinakatti
No. 949 of 1920.
Sanction Govt. to reduction of
reconsider in order already passed
the matter

15

No. 4222
1

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE.
Mysore 17 June 1919

72921

47 19

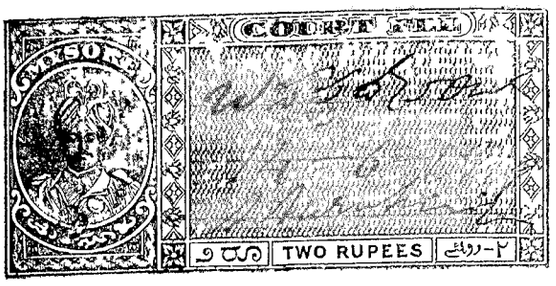
Petition, as shown below, to His Highness the Maharaja is transferred to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, ... Department, Bangalore, for Submission of papers in the case.

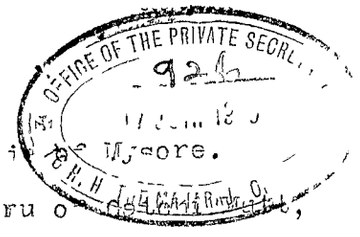
No. 926 of 18-19

By Order,

Private Secretary
to His Highness the Maharaja of Mysore.

GBPM—1,000—18-2-1918





Before His Highness the Maharaja of Mysore.

The humble memorial of Basappa Devaru of [illegible], Mysore most respectfully sheweth:-

1. That your humble memorialist is the head or Manager of the Gotchi Mutt, Mysore, an institution which was endowed with Inam lands by the late Maharaja H. H. Krishnaraja Wadayar Bahadur III for the support of the Mutt and for feeding travellers.

2. That His Highness' sanad of the year 1827 granting the said Inam lands to the Mutt charity shows that what was in contemplation to be granted was ---- "Peddalu" lands to be demarcated wherever the grantee asked for the same, and that it was not in contemplation to make the grant subject to the rights of any other -- person or persons therein in other words, no occupancy rights over the lands were meant to be recognised as residing in any other person than the grantee.

3. That the grant was absolute and of the land, including all proprietary right title and interest -- therein.

4. That this view receives ample support from the contents of the Jari Inamti Register of the year 1830-31, which refers to the land selected by the --- grantee as "Sirkari" and "Panja" land to the same -- effect is the Paimash Patti of the year 1839.

5. That in the year 1848 on the complaint of one Basawalinga Devaru the then incumbent of the Mutt,

Contain

Captain Mont Gomery the Divisional Superintendent ordered that one Made Cowda a tenant who was cultivating one of the lands granted and who refused to quit should deliver possession thereof to the Muttdar.

6. During the period between 1860-1863 there was a vacancy in the office of Muttdar, and the Mutt as well as the Inam lands were being managed by --- Government. During that period, certain produce was collected by Government from the tenants and the -- Divisional Superintendent, Mr. Mac Huchin on 3-3-65 directed delivery of possession of the lands as --- well as of the said produce to the Muttdar. On doubts entertained about the rights of the Muttdar and tenants inter se Mr. Mac Huchin referred the --- matter to the Palace and disposed of the matter as stated above.

7. From the Inam Settlement Records and the Quit Rent Register of 1877, it is clear that there is no mention made of any occupancy rights vesting in any body apart from the Mutt.

8. In the year 1888 a portion of the land granted was acquired by Government for constructing a channel and in 1907-8 other land in its stead in another locality was given to the Muttdar without any complaint or protest by the tenants in 1910.

9. The Re-Survey Settlement Records of 1902-1 also bear out the position pointed to, by the above -- said records and references in that no mention is -- therein made either of any occupancy right possessed by tenants as against the land-lord and owner the

Mutt

Mutt represented by the Muttdar.

10. It was under these circumstances that the Sub Division Officer, Nanjangud and the Deputy Commissioner of Mysore by orders dated 4-5-14 and 16-9-14 respectively ordered that the tenants Sonti Mallayya and others cultivating the lands of the Gatchi Mutt were not "Kadim" or permanent tenants but were ---- tenants at will liable to be rejected if they failed to deliver "Wara" in accordance with usage.

11. Against this decision the tenants appealed to the Government and the Councillor in Charge of the Muzerayi Portfolio by order dated 8-1-19 revised the orders of the Sub Division Officer and of the Deputy Commissioner and held that the tenants had permanent rights of occupancy and were not liable to be ejected.

12. Your humble memorialist applied to Government for a review and reconsideration of the order but on 7-5-19 the review application was dismissed.

13. The orders of Government passed on 8-1-19 and 7-5-19 revising those of the subordinate Muzrayi Officers ignore the history of the institution and of the grant of the lands in question as well as of the possession and enjoyment of the latter by the -- Muttdars from time to time.

14. The said orders of Government are not justified by the records and references aforementioned and contravene the spirit of the sanad and the manner in which it has been construed and acted upon from -- time to time.

15. The Government have not been pleased to consider

consider whether it is possible or probable that the donor had in contemplation to make so illusory or inconsiderable a grant as that of Rs.50/- a year for the support of the Mutt in question and for feeding travellers a result which is irresistable in view of the fact that the Quit Rent payable to Government is Rs.150/- a year and the survey assessment leviable is Rs.200/- a year.

16. It has not been the case of the tenants at any time nor even before the Arbitrator and Sub-Division Officer that they were permanent tenants with permanent rights of occupancy.

17. Even assuming without conceding that the previous Muttdars were instrumental in effecting -- permanent leases in favour of the tenants, inasmuchas permanent leases amount to alienation of the land and are hence ultra vires of the Muttdars, the same cannot bind either the Institution or the -- succeeding Muttdars.

18. The burden is very heavily on the tenants to prove the permanency of their tenant rights once their status as tenants is admitted, and they have not discharged the same.

In these circumstances, the petitioner most respectfully and humbly prays that in reversal of the said orders of Government, the Inam lands may be declared to belong to the Mutt, and that the tenants have no -- permanent rights of occupancy therein and that the holdings are liable to be resumed and given over to the

possession

possession of the Muttdar for and on behalf of the Mutt.

Further some of the tenants have been attempting and have as a matter of fact already effected alienations of their holidays by sale or mortgage subsequent to the filing of the appeal by the Memoralists before the Government. These alienations can have no legal effect if it is ultimately held that the said tenants have no permanent rights of occupancy. But they nevertheless illustrate the anomoly that while the Muttdars themselves cannot make such alienation their tenants can do so, if the present order of Government is not altered.

15 JUN 1919

ಕೃಷ್ಣರಾಜವಡಿಯೆರವರು

ಸರ್ವಜಿತು ಸಂವತ್ಸರ ಜ್ಯೈತ್ರ ೭೧ ಶ್ರೀ ಗುರುವಾರದಲ್ಲು ಶ್ರೀಮತು ಅಪ್ಪಗ್ರಾಮದ ಅಮಲ್ ಹವೆಲ್ಲಿ ಯೂಗೆ ಬರಕಿಕಳುಹಿಸಿದ ನಿರೂಪ ಅದಾಗಿ ಮೈಸೂರು ಅಪ್ಪಗ್ರಾಮದ ತಾಲ್ಲು ಹದಿನಾರು ಗ್ರಾಮದಲ್ಲಿ ಗಜ್ಜಿ ಮಠದ ಹುಲ್ಲಳ್ಳಿ ಬಸವಲಿಂಗೈಯ್ಯನವರಿಗೆ ಕಂಠೀರಾಯಿ ಮುವತ್ತಾರು ವರಹಾದ ಭೂಮಿಯನ್ನು ಅಪ್ಪಣೆಕೊಡಿಕಿ ಯಿದ್ದಿತಾಗಿ ಸರ್ವಜಿತು ಸಂವತ್ಸರದ ಆರಭ್ಯ ಯಿವರು ಒಪ್ಪಿದ ಒಳ ಕಂಠೀರಾಯಿ ಮುವತ್ತಾರು ವರಹಾದ ಭೂಮಿ ಗದ್ದೆ ಬೆದ್ದಲು ಸಹ ಇವರು ಒಪ್ಪಿದ ಕಡೆ ವಿಂಗಡಿಸಿ ಶಿಲಾ ಪ್ರತಿಷ್ಟೆ ಮಾಡಿಸಿಕೊಟ್ಟು ಈ ಸರ್ವಜಿತು ಸಂವತ್ಸರದಾರಭ್ಯ ಸರ್ವಮಾನ್ಯವಾಗಿ ನಡಿಸಿಕೊಂಡು ಬರುವದು ಈ ಭೂಮಿ ಮಾಡುವ ರೈತರಿಗೆ ಬಿಟ್ಟಬೇಗಾರಿ ಮುಂತಾದ ಕಿರುಕುಳ ಮಾಡದೆ ಸರಾಗವಾಗಿ ನಡಿಸಿಕೊಂಡು ಬರುವದು ಸದರಿ ಭೂಮಿ ಪೈ ಮಾಯಿಷಪಟ್ಟು ಹುಜೂರಿಗೆ ಕಳುಹಿಸುವದು ಈ ನಿರೂಪದ ನಕಲ್ ಕಾಲ್ಲು ಮಜಕೂರು ಶಿರಸ್ತೇದಾರ್ ಲೆಕ್ಕಕ್ಕೆ ಬರಕಿಕೊಂಡು ಅಸಲ್ ಸನ್ನದು ಸದರಿ ಬಸವಲಿಂಗೆ ಯ್ಯನವರಿಗೆ ವಾಪಸು ಕೊಡುವದು ತಾರೀಖು ೨೬ನೆ ಮಾಹೆ ಏಪ್ರಲ್ ೧೪೨೬ನೇ ಯಿಸವಿ ಖಿತ್ ಸುಬ್ಬರಾವ್ ಮುನಷಿ ಹುಜೂರ್ ಖಾಸ್ ದಸಕತ್ತು ಸಾಲಿಯಾನ ಗದ್ದೆ ಬೆದ್ದಲು ಸಹಾ ಕಂಠಿರಾಯಿ ಮುವತ್ತಾರು ವರಹಾದ ಭೂಮಿಯನ್ನು ಗಜ್ಜಿ ಮಠಕ್ಕೆ ಸರ್ವಮಾನ್ಯವಾಗಿ ನಡಿಸಿಕೊಂಡುಬರುವದು. ಶ್ರೀಕೃಷ್ಣಾ ಯೆಂದು ಯಿದೆ.

ಸರ್ವಜಿತು ಸಂವತ್ಸರದ ವೈಕಾಖ ಶುದ್ಧ ೬ ಬುಧವಾರ

ಇಂಗ್ಲೀಷಿನಲ್ಲಿ ಸ್ಕೆಚ್ ಇದೆ

ಹದಿನಾರುಗ್ರಾಮದ ಗಚ್ಚೀಮಠದ ಇನಾಂತಿಜಮೀನ್ ವಿಚಾರದಲ್ಲಿ ಸಬ್‌ಡಿವಜಿಲ್ ಹುಜೂರನಲ್ಲಿ ಆಬ್ಜೆರಿಗೆ ಆರ್ಡರಾಗಿರುವದರ ಕಾಪಿಕೊಡಬೇಕೆಂದು ಬಸಪ್ಪದೇವರು ಅರ್ಜಿಬರದುಕೊಂಡದ್ದರ ನೋಲೆ ಸಬ್‌ಡಿವಜಿಲ್ ಹುಜೂರಿಗೆ ರಿಪೋರ್ಟು ಮಾಡಲಾಗಿ ಅಪೇಕ್ಷಿತವಾದ ಕಾಪಿಯನ್ನು ಕೊಡಬಹುದೆಂದು ಸಾದಂಾದ $\frac{1077}{21 \text{ a } 14}$ ನೇ ನಂಬರು ಹುಕುಂ ಪ್ರಕಾರ ತಯಾರುಮಾಡಿಸಲ್ಪಟ್ಟಿತು

ಹುಕುಂ

ಸತವಳಿಕೆ ನೋಡಲಾಯಿತು ಗಚ್ಚೆ ಮಠದ ಬಸಪ್ಪದೇವರು ಯೀ ಆಫೀಸು ರೂಬರೂಬು ಹಾಜರುಮಾಡಿದ ೨೧—೧—೧೯೦೪ನೇ ಮುಕ್ತುಂ ಅರ್ಜಿ ಯಿದಕ್ಕೆ ಲಗತ್ತಿಸಿದೆ ಯಿದಕ್ಕೆ ಲಗತ್ತಿರುವ ಕ್ವಿಟ್‌ರೆಂಟ್ ರಿಜಿಸ್ಟರಿನ ಎಕ್ಸ್‌ಟ್ರಾಕ್ಟು ನೋಡಿದ್ದರಲ್ಲಿ ಈ ಮಠಕ್ಕೆ ಹದಿನಾರು ಗ್ರಾಮದಲ್ಲಿ ಇನಾಂತಿಯಾಗಿ ಬಿಡಲ್ಪಟ್ಟಿರುವ ಜಮೀನುಗಳು "For the support of the mutt and for feeding travellers" ಎಂತ ಕಂಡೋಕ್ತವಾಗಿ ನಮೂದಿದೆ ಹೀಗಿರುವಾಗ ಈ ಮಠಕ್ಕೆ ಶೇರಿದ ಜಮೀನುಗಳನ್ನೆಲ್ಲಾ ರೈತರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಅದರ ಫಸಲನ್ನು ಅವರೇ ಅನುಭವಿಸಿಕೊಂಡು ಗಚ್ಚಿ ಮಠಕ್ಕೆ (ವಹಿವಾಟದಾರಿಗೆ) ಸಾಲೀಯಾನ ಜಮೀನುಗಳ ಆಕಾರವನ್ನು ಮಾತ್ರ ಪಾವತಿಮಾಡುತ್ತಾ ಬರುತ್ತಾರೆಂಬುವದು ತುಂಬಾ ತಕರಾರಿಗೆ ಆಸ್ಪದವಾದದ್ದಲ್ಲದೆ ಈ ರೀತಿಯಾದ ಆಚರಣೆ ಮುನಾಸಬ್ಬಾಗಿ ಕಾಣುವದಿಲ್ಲ ಆದ್ದರಿಂದಾ ಹಾಲಿ ಗುತ್ತಾ ಸಾಗುವಳಿದಾರರುಗಳು ಪ್ರಸಕ್ತ ಮಠದ ಜಮೀನುಗಳ ಆಜೂಬಾಜುವಲ್ಲಿರುವ ಜಮೀನುಗಳಿಗೆ ಸಾಲೀಯಾನ ಎಕರೆ 1ಕ್ಕೆ ಎಷ್ಟುಪಲ್ಲ ಜಿನಸಿಯಂತೆ ಗುತ್ತಿಗೆ ಒರುತ್ತಾ ಇಥೆಯೋ ಆದರಂತೆ ಗುತ್ತಿಗೆ ಜಿನಸಿ ಕೊಡಲು ವಪ್ಪಿದರೆ ಆವಿಚಾರದಲ್ಲಿ ಪ್ರತಿವಬ್ಬ ಸಾಗುವಳಿದಾರನಿಂದಲೂ ಗುತ್ತಾ ಖರಾರು ಬರಶಿಕೊಂಡು ಮಂಜೂರ್ ಬಗ್ಗೆ ಈ ಆಫೀಸಿಗೆ ರಿಪೊರ್ಟುಮಾಡಿ ಸಾಗುವಳಿದಾರರು ಹಾಗೆ ವಪ್ಪಲು ತಕರಾರು ಮಾಡಿದರೆ ಮಠಕ್ಕೆ ಶೇರಿದ ಧರೊಬಸ್ತು ಜಮೀನುಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಂಡು ಸರ್ಕಾರಿಯಾಗಿ ಜಮೀನುಗಳ ನಂಬರುವಾರು ಗುತ್ತಾ ಬಾಬನ್ನು ಒಹಿರಂಗವಾಗಿ ನೀವೇ ಖುದ್ದು ಹರಾಜುಮಾಡಿಶಿ ಪಲಿತಾಂಶಕ್ಕೆ ಈ ಆಫೀಸಿಗೆ ರಿಪೊರ್ಟುಮಾಡಿ Quit rent register ನಲ್ಲಿ ನಮೂದಾಗಿರುವಂತೆ ಈ ಯಿನಾಂ ವುದ್ದೇಶವನ್ನು ಕ್ರಮವಾಗಿಕಾಪಾಡಿಕೊಂಡು ಬರಲು ವಿರ್ಪಡಿಸುವ ವಿಚಾರದಲ್ಲಿ ಹ. ಡಿ. ಕ ರು ಸಾ. ರವರಿಗೆ ಅಲಾಯಿದ ರಿಪೊರ್ಟು ಮಾಡುವದರಲ್ಲಿ ಬರುತ್ತೆ ಮಲಪೊಪಿಗಳೆಲ್ಲಾ ಲಗತ್ತಿದೆ.

(Sd) N. SUBBA RAO.
Sub-Division Officer,
NANJANGUD SUB-DIVISION.

C.R.No.61/1914-15. 1/9 Nine Sheets.

In the Court of the Deputy Commissioner
Mysore District.

Revenue Appeal No.95 of 1913-14.

Present:- A Subramanya Iyer, Esq., B.A.,
Deputy Commissioner.
Dated 16th September 1914.

Appellant:- Sante Malliah and others residents of Muddahalli and Hadinaru respectively Nanjangud Taluk.

Vs.

Respondent:- The Gachi Mutta Swami at Mysore.

+;::::::::::::::+

Read Kannarese correspondance ending with Yadi No.710 dated 4th May 1914 received from the Assistant Comiissioner, Nanjangud Sub-Division re the recovery of Kandayam on the Inamathi Lands.

ORDER

This is a simple case the facts of which cannot be disputed The Gatchi Mutt at Mysore is an institution which was endowed with dry lands as Inam by the late Maharaja H.H.Krishnaraja Wodeyar Bahadur III. How these lands were being enjoyed by the Mutt till about the year 1868 is not clear. In that year or there-abouts the lands were given to the appellants on their ancestors or their vender by the then head of the Mutt on cash kandayam and pattas were issued. Since then cash kandayam in accordance with these pattas have been recovered till the conversion of the dry lands into wet and also the introduction of the Survey Settlement, since when the appellants or their predecessors in title have been paying assessment at Survey rates

for the wet and dry lands. The respondent seems to have also recovered kandayam at this rate. The contribution for converting dry into wet land seems to have been paid to Government by the appellants or their presecessors in title. In 1906-1907 he applied to the Revenue Authorities for putting him in possession of these Inam lands as they had been alienated. The matter formed the subject of correspondence since then. In 1912 most of the appellants appeared before the Taluk Amildar and produced the documents in their favour. The Sub-Divisional Officer has, on perusal of the records, ordered that appellants cannot be treated as kandayam tenants; but must be tenants at will paying gutta in kind at the rates prevailing in the village or must quit the land.

Appellants have appealed against this order. I do not think that the contentious of the appellants can be up-held. There are clear decisions to the effect that the letting of lands on permanent lease is on alienatious Letting out minor Inam lands for a fixed cash kandayam is apermanent lease and thus an alienation. The Head of the Mutt can demand the cancellations of an alienation made by any of his predecessors; and respondent has exercised this right. This is case of resumption of an Inam land alienated from it and not a case of resumption to Government on account of the object of the grant being not fulfilled. Before such resumption can be ordered it has to be seen that if the Institution is properly maintained no resumption on condition of the institution being revived or of a new institution being started, can be ordered in the circumstances of this case, for it is clear-- that the intention of the respondents predecessors was to treat the appellants as -- kandayam tenants and to recognise alienation of occupancy rights made by such tenants and Government should be just before being generous and must recognise the rights in Equity of the appellants. The base of the lands for kandayam--- in 1868 or there abouts was not due to any partiality in favour of any person and was entered into in the ordinary-- course of business. The records show that ~~xxqxxxxxxgxx~~ enquiry has been made about the proper maintenance of

the Institution and there [illegible] to be satisfied that the Institution is properly [illegible] no objection to order restitution to the institution. In order to this, it has to be seen if a petition exists by corporation for dispossession. [illegible] that anything affect perhaps the contribution [illegible] the [illegible] to have paid to Government in their behalf [illegible] and the [illegible], can be claimed. Even this amount [illegible] nearly 20 [illegible] sufficient compensation for paying the contribution [illegible]. Due to [illegible] officer's order [illegible] restitution to the [illegible] correct [illegible] [illegible] in spite that appellants may, if they so [illegible] [illegible] the civil [illegible]. The [illegible].

[illegible]

[illegible]

"[illegible]"

Endorsement.

With reference to his Memorial registered No.2286 dated the 17th June 1919, --- addressed to His Highness the Maharaja, --- praying for a reconsideration of the orders of Government dated 8th January 1919, and 7th May 1919, and the restoration of Inams No.273 of Hadinaru village in the Nanjangud Taluk, to the Gachi Matt at Mysore, Basappa Devaru of the Gachi Matt, Mysore, is informed that the Government of His Highness the Maharaja see no reason to interfere with the previous orders on the subject.

By Order,

Secretary to Government,
Muzrai Department.

HRR.